

AMENDED IN ASSEMBLY JUNE 1, 2010
AMENDED IN ASSEMBLY SEPTEMBER 4, 2009
AMENDED IN ASSEMBLY AUGUST 31, 2009
AMENDED IN ASSEMBLY JUNE 28, 2009
AMENDED IN ASSEMBLY JUNE 16, 2009
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

Assembly Constitutional Amendment

No. 13

Introduced by Assembly Member Hernandez

February 27, 2009

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article II thereof, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

ACA 13, as amended, Hernandez. Initiatives.

The California Constitution provides voters, through the initiative, the power to propose statutes and constitutional amendments and to adopt or reject them. An initiative measure may be proposed by presenting the Secretary of State a certified petition signed by electors equal in number to 5% in the case of a proposed statute, and 8% in the case of a proposed constitutional amendment, of the votes for all candidates for Governor at the last gubernatorial election. The Secretary of State is required to submit an initiative measure at the next general election held at least 131 days after it qualifies or at a special statewide election held prior to that general election.

This measure would require the Secretary of State, upon being presented with a petition *with a specified number of signatures* for an initiative measure, to immediately transmit the initiative measure to the Legislature. Upon transmittal to the Legislature, the initiative measure would be assigned to the appropriate committees of each house for analysis and public hearings.

This measure would provide that if an initiative measure transmitted to the Legislature, or a part of the measure, proposes an amendment to the Constitution, the Legislature may, ~~by concurrent resolution,~~ amend the *measure or the part of the measure that proposes an amendment to the Constitution and adopt it as a legislative constitutional amendment by concurrent resolution, ²/₃ of the membership of each house concurring, within 30 legislative session days after transmittal of the initiative measure to the Legislature.* If the proponent or a majority of the proponents of the initiative measure ~~accept~~ *accepts* the amendments of the Legislature, the Legislature may return the measure, as amended, ~~to the Secretary of State~~ *legislative constitutional amendment in lieu of the measure or the part of the measure that proposes an amendment to the Constitution, the measure or the part of the measure that proposes a constitutional amendment would not be submitted to the electors and the legislative constitutional amendment instead would be submitted.*

This measure would provide that if an initiative measure transmitted to the Legislature, or a part of the measure, proposes a statute, that part of the initiative measure that proposes a statute may be introduced in the Legislature as a bill. The measure would further provide that if the bill is enacted as a statute *within 30 legislative session days after transmittal of the initiative measure to the Legislature* and the proponent or a majority of the proponents of the initiative measure ~~accept~~ *accepts* the bill as enacted, the part of the initiative measure that proposes a statute would not be submitted to the electors.

This measure would require the Legislature's return of a certified initiative measure to the Secretary of State within 30 legislative session days, as defined, or it would be deemed to have been returned in the same form as originally submitted by the proponents. The ~~bill~~ *measure* would require that a returned initiative measure that is certified, ~~including any amendment by the Legislature to constitutional provisions that is accepted by proponents,~~ be submitted at the next general election that is at least 131 days after the date it is returned or at any special statewide election held prior to that general election.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California that the Constitution of the
6 State be amended as follows:

7 That Section 8 of Article II thereof is amended to read:

8 SEC. 8. (a) The initiative is the power of the electors to
9 propose statutes and amendments to the Constitution and to adopt
10 or reject them.

11 (b) An initiative measure may be proposed by presenting to the
12 Secretary of State a petition that sets forth the text of the proposed
13 statute or amendment to the Constitution and is certified to have
14 been signed by electors equal in number to 5 percent in the case
15 of a statute, and 8 percent in the case of an amendment to the
16 Constitution, of the votes for all candidates for Governor at the
17 last gubernatorial election.

18 ~~(e) Upon presentation of a petition to the Secretary of State~~
19 ~~pursuant to~~

20 (c) *Upon presentation to the Secretary of State of a petition*
21 *containing not less than the number of signatures of electors*
22 *required to find the petition sufficient under subdivision (b), the*
23 Secretary of State immediately shall transmit the initiative measure
24 to the Legislature ~~prior to certification of~~ *and shall direct the*
25 *appropriate elections officials to count the signatures of electors.*
26 The measure shall be assigned to the appropriate committees in
27 the Senate and Assembly for analysis. Within 20 legislative session
28 days after transmittal of the measure to the Legislature, the
29 appropriate committees of the Senate and Assembly shall
30 commence joint public hearings on the subject of the measure.

31 (d) If an initiative measure transmitted to the Legislature
32 pursuant to subdivision (c), or a part of that measure, proposes an
33 amendment to the Constitution, the Legislature may, ~~by concurrent~~
34 ~~resolution, amend the part of the measure that proposes an~~
35 ~~amendment to the Constitution. If the proponent, or a majority of~~
36 ~~the proponents, if applicable, of the measure accept the~~
37 ~~amendments of the Legislature, and so inform the Secretary of~~

1 ~~State, the Legislature may return the initiative measure, as~~
2 ~~amended, to the Secretary of State pursuant to subdivision (f).~~
3 ~~amend the measure or the part of the measure that proposes an~~
4 ~~amendment to the Constitution and may pass the amended form~~
5 ~~of the measure as a legislative constitutional amendment by~~
6 ~~concurrent resolution, two-thirds of the membership of each house~~
7 ~~concurring, within 30 legislative session days after transmittal of~~
8 ~~the initiative measure to the Legislature. If the proponent, or a~~
9 ~~majority of the proponents, if applicable, of the initiative measure~~
10 ~~accept the legislative constitutional amendment in lieu of the~~
11 ~~initiative measure or the part of the measure that proposes an~~
12 ~~amendment to the Constitution, and so informs the Secretary of~~
13 ~~State, the initiative measure or the part of the measure that~~
14 ~~proposes a constitutional amendment shall not be submitted to the~~
15 ~~electors and the legislative constitutional amendment instead shall~~
16 ~~be submitted to the electors.~~

17 (e) If an initiative measure transmitted to the Legislature
18 pursuant to subdivision (c), or a part of that measure, proposes a
19 statute, the part of the measure that proposes a statute may be
20 introduced in the Legislature as a bill. If the bill, including any
21 amendments adopted by the Legislature, is enacted as a statute
22 *within 30 legislative session days after transmittal of the initiative*
23 *measure to the Legislature* and the proponent, or a majority of the
24 proponents, if applicable, of the initiative measure accept the bill
25 as enacted, and so inform the Secretary of State, the part of the
26 initiative measure that proposes a statute shall not be submitted to
27 the electors.

28 (f) The Legislature shall return an initiative measure, ~~except~~
29 ~~unless a legislative constitutional amendment is passed or a statute~~
30 ~~is enacted in lieu of the initiative measure as provided in~~
31 ~~subdivision subdivisions (d) and (e), to the Secretary of State within~~
32 *30 legislative session days after the measure is transmitted to the*
33 *Legislature. If the measure is not returned within 30 legislative*
34 *session days, it shall be deemed to have been returned in the same*
35 *form as it was initially presented to the Secretary of State. Except*
36 *as provided in subdivisions (d) and (e), the Secretary*
37 *of State shall submit a returned measure that is certified pursuant*
38 *to subdivision (b), including any accepted amendments, at the next*
39 *general election held at least 131 days after it is returned to the*
40 *Secretary of State or at any special statewide election held prior*

1 to that general election. The Governor may call a special statewide
2 election for the measure.

3 (g) An initiative measure embracing more than one subject may
4 not be submitted to the electors or have any effect.

5 (h) An initiative measure may not include or exclude any
6 political subdivision of the State from the application or effect of
7 its provisions based upon the approval or disapproval of the
8 initiative measure, or based upon the casting of a specified
9 percentage of votes in favor of the measure, by the electors of that
10 political subdivision.

11 (i) An initiative measure may not contain alternative or
12 cumulative provisions wherein one or more of those provisions
13 would become law depending upon the casting of a specified
14 percentage of votes for or against the measure.

15 (j) For purposes of this section, “legislative session day” means
16 a day on which the Members of both houses of the Legislature are
17 required to be in Sacramento to attend a session of the Legislature.

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20 **CORRECTIONS:**

21 **Text—Pages 3 and 4.**
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